

Union Calendar No. 183

111TH CONGRESS
1ST SESSION

H. R. 1110

[Report No. 111-321]

To amend title 18, United States Code, to prevent caller ID spoofing, and
for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 23, 2009

Mr. SCOTT of Virginia (for himself, Mr. CONYERS, Mr. TIM MURPHY of Pennsylvania, Ms. JACKSON-LEE of Texas, and Mr. SHERMAN) introduced the following bill; which was referred to the Committee on the Judiciary

NOVEMBER 2, 2009

Reported with an amendment, committed to the Committee of the Whole
House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

[For text of introduced bill, see copy of bill as introduced on February 23, 2009]

A BILL

To amend title 18, United States Code, to prevent caller
ID spoofing, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
 2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “Preventing Harassment*
 5 *through Outbound Number Enforcement Act of 2009” or the*
 6 *“PHONE Act of 2009”.*

7 **SEC. 2. CALLER ID SPOOFING.**

8 *(a) IN GENERAL.—Chapter 47 of title 18, United*
 9 *States Code, is amended by adding at the end the following:*
 10 **“§ 1041. Caller ID spoofing**

11 *“(a) OFFENSE.—Whoever, in or affecting interstate or*
 12 *foreign commerce, knowingly uses or provides to another—*

13 *“(1) false caller ID information with intent*
 14 *wrongfully to obtain anything of value; or*

15 *“(2) caller ID information pertaining to an ac-*
 16 *tual person or other entity without that person’s or*
 17 *entity’s consent and with intent to deceive any person*
 18 *or other entity about the identity of the caller;*

19 *or attempts or conspires to do so, shall be punished as pro-*
 20 *vided in subsection (b).*

21 *“(b) PUNISHMENT.—Whoever violates subsection (a)*
 22 *shall—*

23 *“(1) if the offense is a violation of subsection*
 24 *(a)(1), be fined under this title or imprisoned not*
 25 *more than 5 years, or both; and*

1 “(2) if the offense is a violation of subsection
2 (a)(2), be fined under this title or imprisoned not
3 more than one year, or both.

4 “(c) *LAW ENFORCEMENT EXCEPTION.*—This section
5 does not prohibit lawfully authorized investigative, protec-
6 tive, or intelligence activity of a law enforcement agency
7 of the United States, a State, or a political subdivision of
8 a State, or of an intelligence agency of the United States,
9 or any activity authorized under chapter 224 of this title.

10 “(d) *FORFEITURE.*—

11 “(1) *IN GENERAL.*—The court, in imposing sen-
12 tence on a person who is convicted of an offense under
13 this section, shall order that the defendant forfeit to
14 the United States—

15 “(A) any property, real or personal, consti-
16 tuting or traceable to gross proceeds obtained
17 from such offense; and

18 “(B) any equipment, software or other tech-
19 nology used or intended to be used to commit or
20 to facilitate the commission of such offense.

21 “(2) *PROCEDURES.*—The procedures set forth in
22 section 413 of the Controlled Substances Act (21
23 U.S.C. 853), other than subsection (d) of that section,
24 and in Rule 32.2 of the Federal Rules of Criminal

1 *Procedure, shall apply to all stages of a criminal for-*
 2 *feiture proceeding under this section.*

3 “(e) *DEFINITIONS.—In this section—*

4 “(1) *the term ‘caller ID information’ means any*
 5 *identifying information regarding the origination of*
 6 *a telephone call, including the name or the telephone*
 7 *number of the caller, that is transmitted with the tele-*
 8 *phone call;*

9 “(2) *the term ‘telephone call’ means a call made*
 10 *or received using any real time voice communications*
 11 *service, regardless of the technology or network used;*
 12 *and*

13 “(3) *the term ‘State’ includes a State of the*
 14 *United States, the District of Columbia, and any*
 15 *commonwealth, territory, or possession of the United*
 16 *States.”.*

17 “(b) *CLERICAL AMENDMENT.—The table of sections at*
 18 *the beginning of chapter 47 of title 18, United States Code,*
 19 *is amended by adding at the end the following new item:*
 “1041. Caller ID spoofing.”.

20 **SEC. 3. OTHER SPECIFIED UNLAWFUL ACTIVITIES FOR**
 21 **MONEY LAUNDERING.**

22 *Section 1956(c)(7)(D) of title 18, United States Code,*
 23 *is amended by inserting “section 1037 (relating to fraud*
 24 *and related activity in connection with electronic mail),*

1 *section 1041 (relating to caller ID spoofing),” before “sec-*
2 *tion 1111”.*

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